IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1614 OF 2007

Mrs.Anusaya T. Birambole & Ors. ....Petitioners
V/s.
Kalleshwar Sah. Pat. Mydt. ....Respondent

Mr.S.S. Redekar for the Petitioners.

Mr.A. Ghadge for the Respondent.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH JULY, 2007.

P.C. :

1. The impugned order warrants no interference. Two defences have been raised. Firstly it is contended that the dispute has not been served.

2. It is difficult to accept the contention. Admittedly the notice was served under R.P.A.D. It is reasonable to presume in the facts and circumstances of this case that the dispute was also forwarded.

3. Even on merits there is no case. The only defence on merits is that the claim is barred by limitation. The loan was granted on 22.5.1993 and was liable to be repaid with interest at the rate of 18% p.a. after 36 months i.e. by 25.5.1996. The dispute

was filed in the year 2000. Under Section 32 of the Maharashtra Co-operative Societies Act, 1992, the period of limitation is six years. The dispute was therefore within time.

4. In the circumstances, the Writ Petition is dismissed.